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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/719,148 | 12/08/2000 | Guillaume Bichot | PF980074 | 5718 |

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THOMSON LICENSING LLC
Two Independence Way
Suite 200
PRINCETON, NJ 08540

| EXAMINER | |
|---|---|
| BARQADLE, YASIN M | |
| **ART UNIT** | **PAPER NUMBER** |
| 2153 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/719,148 | BICHOT ET AL. | |
| | Examiner | Art Unit | |
| | Yasin M. Barqadle | 2153 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,2,4-11,13 and 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-11,13 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

**Response to Amendment**

1. The amendment filed on September 18, 2007 has been fully considered but are moot in view of the new grounds of rejection.

- Claims 1, 9 and 10-11 have been amended.
- Claims 3 and 12 have been canceled.
- Claims 1-2,4-11 and 13-14 are presented for examination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strecker in view of Jardin et al. (U.S. Patent Number 6,912,588, hereinafter "Jardin").

In referring to claim 1 and 9, Strecker discloses an apparatus for transferring blocks of information from one node to a second node in a computer network. Strecker shows,

- Opening a connection between said first device and said second device; having said second device allocate a message buffer to said connection, said second device communicating the message buffer size to said first device:
  *"Prior to a transfer, the names, offsets and lengths of buffers in other nodes are determined and exchanged through higher level protocols. The message packets of the present invention reference only the name, length (in bytes) and offset (i.e., location relative to the starting address of the buffer) into the buffer. Offset mapping is also*

*implementation-dependent."* (Strecker, Col. 3, lines 67 to col. 4, line 15 and col. 7, lines 54 to col. 8, lines 22)

- Having said first device transmit said data packet to said second device, wherein said data packet is split and sent as payload in messages, where the size of the payload of each message is smaller or equal to said message buffer size (Col. 13, lines 3-10):
  *"To write data from a first node to a second node, the first node puts an appropriate number of so-called SNTDAT packets onto the communications bus, each containing a part of the data and labeled with the name of the destination (i.e., receiving) buffer in the second node and the offset in the receive buffer for that particular packet. A transaction identifier unique to the group of packets also is transmitted, for use in the message confirmation process."* (Strecker, col. 4, lines 16-24. see also col. 12, lines 45-55 and col. 13, lines 3-26)

Although Strecker shows substantial features of the claimed invention, Strecker does not show using a function call to open the connection for writing data to the second device. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Strecker as evidenced by Jardin. In analogous art, Jardin whose invention is about a system for managing client requests in client-server networks, discloses using a function call to open a connection for writing data to the second device "The Berkeley Socket API is a set of C function calls used to support network communication. The Sockets API is not limited for use with the TCP/IP protocol, and may be used with other network protocols. In client computers (e.g., the client 410) using a TCP/IP protocol, the function calls include: socket( ), bind( ), connect( ), send ( ), recv( ), and close( ). In server computers (e.g., the broker 420), the function calls include: socket( ), bind( ), listen( ), accept( ), send( ), recv( ), and close( ). These function calls are well known in the art... In one implementation, the broker 420 responds to the client 410 using Berkeley Socket APIs, e.g., read ( ) and write ( ) function call to read and write data,

respectively." (Col. 7, lines 59 to col. 8, line 24). Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Strecker so as to use the well known programming function call for reading/writing data, such as taught by Jardin, in order to efficiently execute, read and write data independent of their memory location.

In referring to claim 2

- Said payloads have a first maximum length independent of said first and second devices:
  A maximum transmission unit (MTU) is inherently implied in a packet switching network
- A second maximum length dependent of said second device is constituted by said message buffer size, the shortest of said first and second maximum lengths being retained for sending messages to said second device:
  *"Data packet length is discretely variable. All the packets of the transfer except the last should be of an agreed-upon size and the last packet should carry the remainder and be less than or equal to the preceding packets in size."* (Strecker, col. 5, lines 41-45)
  A system that has nodes with different buffer sizes and a MTU based on the network, using the smallest of these sizes to send data packets is inherently implied

In referring to claim 4,

- Said connection is opened by said second device through a function call sent to said first device for reading data from said first device:
  *Strecker, col. 5, lines 3-7* (see full quote above)

In referring to claim 5,

- Said first device comprises at least one data storage element for storing said data packet:
  Strecker, Fig. **1** shows the first device **14** has a data storage element **25A**

In referring to claim 6,

- Said device comprises more than one storage element, each of said storage elements being identified by an identifier:

Strecker, Fig. **1** shows the first device **14** has data storage elements **25A** and **25B**

In referring to claim 7,

- Said second device comprises at least one data storage element for storing said data packet:
  Strecker, Fig. **1** shows the second de

In referring to claim 10,

It is directed to a method for receiving data in a receiving device coupled to a transmitter device in a home network, and similarly recites the additional feature of claims 1 and 9 mentioned above. Therefore, it is rejected with the same rationale.

In referring to claim 11

- Said payloads have a first maximum length independent of said first and second devices:
  A maximum transmission unit (MTU) is inherently implied in a packet switching network
- A second maximum length dependent of said second device is constituted by said message buffer size, the shortest of said first and second maximum lengths being retained for sending messages to said second device:
  *"Data packet length is discretely variable. All the packets of the transfer except the last should be of an agreed-upon size and the last packet should carry the remainder and be less than or equal to the preceding packets in size."* (Strecker, col. 5, lines 41-45)
  A system that has nodes with different buffer sizes and a MTU based on the network, using the smallest of these sizes to send data packets is inherently implied

In referring to claim 13,

- Wherein said receiver device comprises at least one data storage element for storing said data packet:
  Strecker, Fig. **1** shows the first device **14** has a data storage element **25A**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strecker and Jardin in further in view of Muller et al. (U.S. Patent Number 6,021,132, hereinafter "Mu11er"). Although Strecker shows substantial features of the claimed invention, Strecker and Jardin do not show the buffers are dynamically allocateable. Nonetheless this feature is well known in the art and would have been an obvious (addition/modification) to the system disclosed by Strecker and Jardin as evidenced by Muller. In analogous art, Muller discloses a shared memory management in a switched network element. Muller shows: "The shared memory manager dynamically allocates buffers on behalf of the input ports and tracks ownership counts for each of the buffers based upon information provided by the input ports and the output ports." (Muller, col. 2, lines 49-52). Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Strecker and Jardin so as to dynamically allocate memory to the memory buffer, such as taught by Muller, in order to efficiently allocate memory to operations that need it.

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153